

R2-7-916 CONTRACT CLAIMS

Claims under contracts shall be filed with the procurement officer administering the contract within 12 months after claim arises.

The procurement officer administering the contract shall have the authority to settle and resolve contract claims subject to subsection (C) of this rule. Appeals from decisions of the procurement officer may be made to the Deputy Court Administrator pursuant to R2-7-919.

The settlement or resolution of a claim in excess of \$10,000.00 requires the prior written approval of the State Procurement Administrator.

If a claim cannot be resolved by mutual agreement, the procurement officer shall, upon a written request by the contractor for a final decision, issue a written decision no more than 60 days after the request is filed. Before issuing a final decision, the procurement officer shall review the facts pertinent to the claim and secure any necessary assistance from legal, fiscal, and other advisors.

Final decision. The procurement officer shall furnish a copy of the final decision to the contractor by certified mail, return receipt requested, or by any other method that provides evidence of receipt. The decision shall include:

1. A description of the claim
2. A reference to the pertinent contract provision
3. A statement of the factual areas of agreement or disagreement
4. A state of the procurement officer's decision, with supporting rationale
5. A paragraph substantially as follows:
"This is the final decision of the procurement officer. This decision may be appealed to the Deputy Court Administrator. If you appeal, you must file a written notice of appeal with the Deputy Court Administrator within five days from the date you receive this decision".

Issuance of a Timely Decision

The time limit set for decisions set forth in R2-7-917(A) may be extended for good cause for a reasonable time to exceed 30 days. The procurement officer shall notify the contractor in writing that the time for the issuance of a decision has been extended and the date by which a decision shall be issued.

If the procurement officer fails to issue a decision within 30 days after the request is filed or within the time prescribed under subsection (A) of this rule, the contractor may proceed as if the procurement officer has issued an adverse decision.

Appeals and Reports to the Deputy Court Administrator

An appeal from a final decision of a procurement officer on a claim shall be filed with the Deputy Court Administrator with five days from the date the decision is received. The appellant shall also file a copy of the appeal with the procurement officer.

Content of appeal. The appeal shall contain a copy of the decision of the procurement officer and the precise factual or legal error in the decision of the procurement officer from which an appeal is taken.

The procurement officer shall file a complete report on the appeal with the Deputy Court Administrator within ten days from the date the appeal is filed. At the same time, the procurement officer shall furnish a copy of the report to the appellant by certified mail, return receipt requested, or by any other method that provides evidence of receipt. The report at a minimum shall contain a copy of the claim, a copy of the procurement officer's decision, if applicable, and any other documents that are relevant to the claim.